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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/476,384	12/30/1999	DOMINIC JOHN MOREA	06042-0180	7755

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EXAMINER

SOUGH, HYUNG SUB

ART UNIT PAPER NUMBER

3628

DATE MAILED: 05/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/476,384

Applicant(s)

MOREA ET AL.

Examiner

David R Vincent

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 90-176 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 90-176 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>11/03/03</u> . | 6) <input type="checkbox"/> Other: ____ |

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Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 90-176 are rejected under 35 U.S.C. 102(e) as being anticipated by Kramer (US 6,324,525 B1).

Kramer discloses an online commerce system (Figs. 1-3) including a buyer computer (consumer 186, Figs. 1C, 22), a seller computer (inherent computer(s) at merchant web site, 180; Fig. 22-23), a transaction facilitator (e.g., merchant web site

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and related software, 180; Fig. 18A, 21a/b, 27), commercial transactions (Figs. 3, 9, 18A, 20B, 25), displaying branded indicia (not further defined, reads on e.g., the displayed word/icon "John's Wallet", or "Visa", Figs. 32-34; col. 107), displaying "information" (not further defined, reads on displaying the invoice Figs. 33-34; col. 102, lines 35-62; or transaction ID, col. 68; Figs. 20B, 20D, 20E) to the buyer for enabling the buyer to select a payment instrument, the "information" including and displaying selected branding indicia (e.g., Visa, Figs. 32-34) as the selected branding indicia (e.g., Visa, Figs. 32-34) of the transaction facilitator (e.g., merchant web site and related software, 180; Fig. 18A, 21a/b, 27; merchant also displays and selects Visa, col. 107, lines 1-6; URL points to picture of Visa, col. 67, lines 25-49), in response to a proposed transaction the buyer is redirected to payment enabler (e.g., 2845, Fig. 28; col. 104, lines 24-49), utilizing a payment enabling system (Figs. 27, 31-34; 140, Fig. 1B; 192, Fig. 1C; payment windows and related software, Fig. 1C, Figs. 31-34), receiving transaction details (consumer receives the invoice, Figs. 27, 34; col. 102, lines 35-62; transaction ID, XID, col. 120, lines 14-20; transaction data, Figs. 20), displaying invoice for approval (e.g., Fig. 34; col. 104, lines 24-50), receiving selection of buyers payment method (e.g., Fig.

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33-34; or col. 18, lines 49-67), completing transaction (col. 18, lines 29-67; shipping and handling, col. 15, lines 1-24; merchant gets redirected to request authorization of funds, col. 15, lines 15-34), as specified in claim 90, 101, 113, 128, 143, 154, 162; co-branding data comprises indicia (e.g., using "Visa", Figs. 32-34; col. 107; merchant web site and related software, 180; Fig. 18A, 21a/b, 27; merchant also displays and selects Visa, col. 107, lines 1-6; URL points to picture of Visa, col. 67, lines 25-49), as specified in claims 91; using Internet (Figs. 21-23; col. 18, lines 36-48; col. 108, lines 22-32), as specified in claims 92, 103, 115, 119, 130, 134, 145, 156, 164; registration page enables buyer or seller (consumer registering, col. 105, line 60-col. 106, line 11; merchant registers, col. 108, lines 22-32), as specified in claims 93, 110, 131, 146, 157, 165, 168; registering prior with static registration (e.g., col. 15, lines 49-59; col. 28, lines 53-64; col. 30, lines 18-36; having credit cards already registered, using a pre-existing account, Fig. 32-34), as specified in claims 94, 105, 117, 121, 132, 136, 147, 158, 166, 170; registering after using dynamic registration (add, or setting up a Visa account on the fly, Fig. 33, col. 45), as specified in claims 95, 106, 118, 122, 133, 137, 148, 159, 167, 171; transaction ID (transaction ID, XID, col. 120, lines 14-20;

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transaction data, Figs. 20; col. 68, lines 12-36), as specified in claims 96, 108, 123, 138, 149, 172; price, shipping, handling, total price (Fig. 34; col. 15, lines 1-14), as specified in claims 97, 109, 124, 139, 150, 173; sending buyer ID data to payment facilitator (sending consumer's information to be approved, e.g., col. 20, line 340-col. 21, line 20; 2872, Fig. 28; col. 105, lines 6-39), as specified in claims 98, 110, 125, 140, 151, 174; one or more payment instruments (Figs. 33-34; col. 18, lines 49-67; col. 28, lines 51-65; col. 45, lines 16-25; merchant selects, col. 107, lines 1-21; col. 66, lines 63-67; col. 67, lines 24-49), as specified in claims 99, 111-113, 126-128, 141-142, 152-153, 160-161, 175, 176; payment processors comprise credit card (Figs. 33-34; col. 18, lines 49-67; col. 28, lines 51-65; col. 45, lines 16-25; merchant selects, col. 107, lines 1-21; col. 66, lines 63-67; col. 67, lines 24-49), as specified in claim 100; displaying selectable distribution by seller (merchant selects, col. 107, lines 1-21; col. 66, lines 63-67; col. 67, lines 24-49), as specified in claims 101, 113, 120, 135, 169; information displayed to the seller comprises a registration page (merchant registers, e.g., col. 108, lines 22-32; merchant selects, col. 107, lines 1-21; col. 66, lines 63-67; col. 67, lines 24-49; check to see if merchant is registered, col. 104, lines 59-67), as specified in

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claims 104, 120, 135, 169; redirecting the seller to a payment enabler (e.g., when seller goes to obtain authorization, Figs. 3, 9; col. 15, lines 15-25; col. 19, line 15-col. 20, line 32; col. 107, lines 1-22), as specified in claims 128, 154, 113, 101; obtaining approval (Figs. 32-34; col. 104, lines 24-67; authorization, Figs. 3, 9; col. 15, lines 15-25; col. 19, line 15-col. 20, line 32; col. 107, lines 1-22, as specified in claims 107, 113), as specified in claims 107, 113;


Regarding the limitations pertaining to indicia, the applicant would need to further define those limitations to know exactly what the applicant intends them to cover. In the applicant's specification there is hardly any detail of what is meant by those limitations, and the way they are claimed, they are very broad.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David R Vincent whose telephone number is 571 272 3080. The examiner can normally be reached on M-TH.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sam Sough can be reached on 571 272 6799. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


David R Vincent
Primary Examiner
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April 27, 2005